

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Address, Telephone No.)	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> JUSTICE CENTER: <input type="checkbox"/> Central <input type="checkbox"/> Harbor <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> West STREET ADDRESS: P.O. BOX: CITY AND ZIP CODE:	
PLAINTIFF:	
DEFENDANT:	
<b>SMALL CLAIMS DEFENDANT'S STATEMENT</b>	CASE NUMBER:

1. Plaintiff owes me the sum of: \$\_\_\_\_\_, not including court costs, because (*describe claim and date*): \_\_\_\_\_
2. a. **9** I have asked plaintiff to pay this money, but it has not been paid.  
b. **9** I have NOT asked plaintiff to pay this money because (*explain*): \_\_\_\_\_
3. I **9** have **9** have not filed more than one other small claims action anywhere in California during this calendar year in which the amount demanded is more than \$2,500.
4. I UNDERSTAND THAT
  - a. I may talk to an attorney about this claim, but I cannot be represented by an attorney at the trial in the small claims court.
  - b. I must appear at the time and place of trial and bring all witnesses, books, receipts, and other papers or things to prove my case.
  - c. I have no right of appeal on my claim, but I may appeal a claim filed by the plaintiff in this case.
  - d. If I cannot afford to pay the fees for filing or service by a sheriff, marshal, or constable, I may ask that the fees be waived.
5. I have received and read the information for the defendant on the reverse side of this form.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE

(See Reverse Side for Information for the Defendant)

## INFORMATION FOR THE SMALL CLAIMS DEFENDANT

1. If you are the defendant in a small claims action and have a claim against the plaintiff, you may file in the small claims division a "Defendant's Claim" against the plaintiff for not more than \$5,000.00. If the plaintiff owes you more than \$5,000.00, you may wish to consult an attorney about filing a formal complaint in the civil division or you may sue in small claims and give up your right to the amount over \$5,000.00. You cannot, however, file more than two cases in small claims court for more than \$2,500.00 each during a calendar year.
2. You must ask the plaintiff to pay this money before filing this claim or explain why you have not asked the plaintiff to pay.
3. You have no right to appeal this claim, the decision is final; however, you do have the right to appeal the plaintiff's claim if you are dissatisfied with the decision.
4. You must pay the clerk a filing fee. If you have filed more than 12 small claims, including this claim, during the previous 12 months, the fee will be higher. Please check the current fee schedule.
5. You cannot serve the claim yourself. If you received your copy of the claim less than 10 days before the trial date, you must have the plaintiff served with your claim at least 1 day before the trial date. If you received your claim more than 10 days before the trial date, you must have the plaintiff served with your claim at least 5 days before the trial date. The court will hear both claims at the same time.

Please choose a method of service:

- 9 Marshal or Sheriff. You may ask the marshal or sheriff to serve the plaintiff. A fee will be charged.
- 9 Certified Mail. You may ask the clerk of the court to serve the plaintiff by certified mail. The clerk will charge a fee.
- 9 Disinterested party. You may ask anyone who is not a party in your case and who is at least 18 years old to serve the plaintiff. Registered process servers will do this for you for a fee. You may also ask a friend or relative to do it. The clerk will provide you with the necessary Proof of Service form.

COMPLETE THE REVERSE SIDE OF THIS FORM